

SENATE BILL NO. 446—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the composition of the State Department of Conservation and Natural Resources. (BDR 18-1209)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to governmental administration; revising provisions governing the composition of the State Department of Conservation and Natural Resources; eliminating the Advisory Board on Natural Resources, the Division of Conservation Districts and the Commission for the Preservation of Wild Horses; creating the Conservation Districts Program within the Department; transferring the duties of the Division of Conservation Districts to the Conservation Districts Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates of the Advisory Board on Natural Resources to advise the
2 Director of the State Department of Conservation and Natural Resources on certain
3 matters relating to the use of land and natural resources in this State. (NRS
4 232.085) **Section 35** of this bill eliminates the Advisory Board. **Section 2** of this
5 bill requires the Director to consider input from members of the public, industries
6 in this State and representatives of organizations, associations, groups or other
7 entities concerned with matters of conservation and natural resources on the matters
8 upon which the Advisory Board provided input.

9 Existing law creates the State Department of Conservation and Natural
10 Resources, consisting of several divisions and commissions including the Division
11 of Conservation Districts, the State Environmental Commission, the State
12 Conservation Commission and the Commission for the Preservation of Wild
13 Horses. (NRS 232.090) **Section 3** of this bill eliminates the Division of
14 Conservation Districts and the Commission for the Preservation of Wild Horses and



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15 creates the Conservation Districts Program within the Department. **Section 14.5** of
16 this bill transfers the duties of the Division of Conservation Districts to the
17 Conservation Districts Program. **Section 35** of this bill repeals provisions relating
18 to the Advisory Board on Natural Resources, the Division of Conservation Districts
19 and the Commission for the Preservation of Wild Horses.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 232.055 is hereby amended to read as follows:
2 232.055 1. The Director shall appoint ~~two assistant~~
3 ~~directors~~ *one deputy director* of the Department and shall assign
4 ~~their~~ *his or her* duties.
5 2. ~~Each assistant~~ *The deputy* director is in the unclassified
6 service of the State.
7 3. Except as otherwise provided in NRS 284.143, ~~each~~
8 ~~assistant~~ *the deputy* director shall devote his or her entire time and
9 attention to the business of his or her office and shall not engage in
10 any other gainful employment or occupation.
11 **Sec. 2.** NRS 232.070 is hereby amended to read as follows:
12 232.070 1. As executive head of the Department, the Director
13 is responsible for the administration, through the divisions and other
14 units of the Department, of all provisions of law relating to the
15 functions of the Department, except functions assigned by law to the
16 State Environmental Commission ~~or~~ *or* the State Conservation
17 Commission . ~~for the Commission for the Preservation of Wild~~
18 ~~Horses.~~
19 2. Except as otherwise provided in subsection 4, the Director
20 shall:
21 (a) Establish departmental goals, objectives and priorities.
22 (b) Approve divisional goals, objectives and priorities.
23 (c) Approve divisional and departmental budgets, legislative
24 proposals, contracts, agreements and applications for federal
25 assistance.
26 (d) Coordinate divisional programs within the Department and
27 coordinate departmental and divisional programs with other
28 departments and with other levels of government.
29 (e) Appoint the executive head of each division within the
30 Department.
31 (f) Delegate to the executive heads of the divisions such
32 authorities and responsibilities as the Director deems necessary for
33 the efficient conduct of the business of the Department.
34 (g) Establish new administrative units or programs which may
35 be necessary for the efficient operation of the Department, and alter



1 departmental organization and reassign responsibilities as the
2 Director deems appropriate.

3 (h) From time to time adopt, amend and rescind such regulations
4 as the Director deems necessary for the administration of the
5 Department.

6 (i) *Consider input from members of the public, industries and*
7 *representatives of organizations, associations, groups or other*
8 *entities concerned with matters of conservation and natural*
9 *resources on the following:*

10 (1) *Matters relating to the establishment and maintenance*
11 *of an adequate policy of forest and watershed protection;*

12 (2) *Matters relating to the park and recreational policy of*
13 *the State;*

14 (3) *The use of land within this State which is under the*
15 *jurisdiction of the Federal Government;*

16 (4) *The effect of state and federal agencies' programs and*
17 *regulations on the users of land under the jurisdiction of the*
18 *Federal Government, and on the problems of those users of land;*
19 *and*

20 (5) *The preservation, protection and use of this State's*
21 *natural resources.*

22 3. Except as otherwise provided in subsection 4, the Director
23 may enter into cooperative agreements with any federal or state
24 agency or political subdivision of the State, any public or private
25 institution located in or outside the State of Nevada, or any other
26 person, in connection with studies and investigations pertaining to
27 any activities of the Department.

28 4. This section does not confer upon the Director any powers
29 or duties which are delegated by law to the State Environmental
30 Commission ~~[.]~~ or the State Conservation Commission, ~~for the~~
31 ~~Commission for the Preservation of Wild Horses.]~~ but the Director
32 may foster cooperative agreements and coordinate programs and
33 activities involving the powers and duties of the commissions.

34 5. All gifts of money and other property which the Director is
35 authorized to accept must be accounted for in the Department of
36 Conservation and Natural Resources Gift Fund which is hereby
37 created as a trust fund.

38 **Sec. 3.** NRS 232.090 is hereby amended to read as follows:

39 232.090 1. The Department consists of the Director and the
40 following divisions:

41 (a) The Division of Water Resources.

42 (b) The Division of State Lands.

43 (c) The Division of Forestry.

44 (d) The Division of State Parks.

45 (e) ~~The Division of Conservation Districts.~~



1 ~~(f)~~ The Division of Environmental Protection.

2 ~~(g)~~ (f) Such other divisions as the Director may from time to
3 time establish.

4 2. The State Environmental Commission, the State
5 Conservation Commission, the ~~[Commission for the Preservation of~~
6 ~~Wild Horses,]~~ *Conservation Districts Program*, the Nevada Natural
7 Heritage Program and the Board to Review Claims are within the
8 Department.

9 **Sec. 4.** (Deleted by amendment.)

10 **Sec. 5.** NRS 318.1181 is hereby amended to read as follows:

11 318.1181 In the case of a district created wholly or in part for
12 the purpose of furnishing fire protection, the board may:

13 1. Acquire fire protection equipment and acquire, construct or
14 improve fire protection facilities and make improvements necessary
15 and incidental thereto;

16 2. Eliminate fire hazards existing within the district in the
17 manner prescribed in NRS 474.580 for districts created pursuant to
18 chapter 474 of NRS;

19 3. Clear public highways and private lands of dry grass,
20 stubble, bushes, rubbish and other inflammable material which in its
21 judgment constitute a fire hazard;

22 4. Coordinate fire protection activities with the State Forester
23 Firewarden ; ~~[and the Advisory Board on Natural Resources;]~~ and

24 5. Cooperate with the State Forester Firewarden ~~[and the~~
25 ~~Advisory Board on Natural Resources]~~ in formulating a statewide
26 plan for the prevention and control of fires.

27 **Sec. 6.** NRS 321.355 is hereby amended to read as follows:

28 321.355 1. Before any state land may be leased, exchanged,
29 sold or contracted for sale, the State Land Registrar, in consultation
30 with the Department of Transportation ~~[, the Advisory Board on~~
31 ~~Natural Resources]~~ and with counties and local governments, shall
32 designate any existing routes over the land which the State Land
33 Registrar determines to be necessary for public access to any other
34 land that is open to public use. If such a route is designated, the land
35 must be conveyed with a right-of-way and all rights of access and
36 abutter's rights for the route reserved in the name of the State of
37 Nevada. Any right-of-way reserved pursuant to this subsection may,
38 when necessary as determined by the State Land Registrar and
39 otherwise approved as required by law, be used by a public utility
40 pursuant to the requirements set forth in NRS 322.050 and 322.060.

41 2. After the land or interest in the land is conveyed, if the route
42 is determined by the State Land Registrar, in consultation with the
43 Department of Transportation ~~[and the Advisory Board on Natural~~
44 ~~Resources]~~ and with counties and local governments, to be no
45 longer necessary for public access to other land which is open to



1 public use, the State Land Registrar shall, subject to the provisions
2 of subsections 3 and 4, release the right, title and interest of the State
3 in and to the right-of-way to the purchaser or lessee of the land, his
4 or her assigns or successors in interest.

5 3. Before releasing the state's interest in the right-of-way, the
6 State Land Registrar shall cause to be published in a newspaper of
7 general circulation in the county where the right-of-way is located a
8 notice of intent to release that interest. The notice must be published
9 at least 30 days before the proposed date for the release and must
10 contain:

11 (a) A description of the location of the right-of-way;

12 (b) The date upon which the release is to be effective; and

13 (c) The mailing address of the State Land Registrar to which
14 persons may send protests against the proposed release.

15 4. The State Land Registrar may, or upon the receipt of a
16 written protest against the proposed release shall, hold a public
17 hearing. The hearing must be:

18 (a) Held in the county in which the right-of-way is located; and

19 (b) Advertised at least 30 days before the date of the hearing in a
20 newspaper of general circulation in the county where the right-of-
21 way is located.

22 **Sec. 7.** NRS 321.7355 is hereby amended to read as follows:

23 321.7355 1. The State Land Use Planning Agency shall
24 prepare, in cooperation with appropriate federal and state agencies
25 and local governments throughout the State, plans or statements of
26 policy concerning the acquisition and use of lands in the State of
27 Nevada that are under federal management.

28 2. The State Land Use Planning Agency shall, in preparing the
29 plans and statements of policy, identify lands which are suitable for
30 acquisition for:

31 (a) Commercial, industrial or residential development;

32 (b) The expansion of the property tax base, including the
33 potential for an increase in revenue by the lease and sale of those
34 lands; or

35 (c) Accommodating increases in the population of this State.

36 ➤ The plans or statements of policy must not include matters
37 concerning zoning or the division of land and must be consistent
38 with local plans and regulations concerning the use of private
39 property.

40 3. The State Land Use Planning Agency shall:

41 (a) Encourage public comment upon the various matters treated
42 in a proposed plan or statement of policy throughout its preparation
43 and incorporate such comments into the proposed plan or statement
44 of policy as are appropriate;



1 (b) Submit its work on a plan or statement of policy periodically
2 for review and comment by the Land Use Planning Advisory
3 Council ~~[, the Advisory Board on Natural Resources]~~ and any
4 committees of the Legislature or subcommittees of the Legislative
5 Commission that deal with matters concerning the public lands;

6 (c) On or before February 1 of each odd-numbered year, prepare
7 and submit a written report to the Legislature concerning any
8 activities engaged in by the Agency pursuant to the provisions of
9 this section during the immediately preceding biennium, including,
10 without limitation:

11 (1) The progress and any results of its work; or

12 (2) Any plans or statements of policy prepared pursuant to
13 this section; and

14 (d) Provide written responses to written comments received
15 from a county or city upon the various matters treated in a proposed
16 plan or statement of policy.

17 4. Whenever the State Land Use Planning Agency prepares
18 plans or statements of policy pursuant to subsection 1 and submits
19 those plans or policy statements to the Governor, Legislature or an
20 agency of the Federal Government, the State Land Use Planning
21 Agency shall include with each plan or statement of policy the
22 comments and recommendations of:

23 (a) The Land Use Planning Advisory Council; *and*

24 (b) ~~[The Advisory Board on Natural Resources; and~~

25 ~~—(c)]~~ Any committees of the Legislature or subcommittees of the
26 Legislative Commission that deal with matters concerning the
27 public lands.

28 5. A plan or statement of policy must be approved by the
29 governing bodies of the county and cities affected by it before it is
30 put into effect.

31 **Sec. 8.** NRS 407.063 is hereby amended to read as follows:

32 407.063 1. The Administrator may acquire for the Division,
33 subject to the approval of the Director and with the concurrence of
34 the Interim Finance Committee, and within the limits of legislative
35 appropriation where money is required, real or personal property by
36 lease or purchase. The right of eminent domain as provided by
37 chapter 37 of NRS may be exercised by the Division. The Interim
38 Finance Committee may clarify the legislative intent of an
39 appropriation at the request of the Director ~~[, any member of the~~
40 ~~advisory board on natural resources]~~ or the Administrator.

41 2. Before approving the acquisition of real property to expand
42 the area of land that surrounds a state park and in which
43 development is to be restricted, the Interim Finance Committee shall
44 consult the governing body of the county, city or town in which the
45 land to be acquired is located.



1 **Sec. 9.** (Deleted by amendment.)

2 **Sec. 10.** NRS 501.020 is hereby amended to read as follows:

3 501.020 ~~[Except as otherwise provided in NRS 504.430 to~~
4 ~~504.490, inclusive.]~~ "Commission" means the Board of Wildlife
5 Commissioners.

6 **Sec. 11.** NRS 502.225 is hereby amended to read as follows:

7 502.225 1. There is hereby created the Advisory Board on
8 Dream Tags, consisting of the following five members:

9 (a) One member appointed by the Governor;

10 (b) One member appointed by the Majority Leader of the
11 Senate;

12 (c) One member appointed by the Speaker of the Assembly;

13 (d) One member appointed by the ~~[Advisory Board on]~~ *Director*
14 *of the State Department of Conservation and* Natural Resources;
15 and

16 (e) The Vice Chair of the Commission, who serves as an ex
17 officio member of the Board.

18 2. Each appointed member of the Board must be a resident of
19 this State and, following the initial terms, serves a term of 2 years.

20 3. At its first meeting each year, the members of the Board
21 shall elect a Chair, who shall serve until the next Chair is elected.
22 The Board shall meet as necessary at the call of the Chair.

23 4. A majority of the members of the Board constitutes a
24 quorum for the transaction of business, and a majority of those
25 members present at any meeting is sufficient for any official action
26 taken by the Board.

27 5. While engaged in the business of the Board, to the extent of
28 legislative appropriation, each member of the Board is entitled to
29 receive the per diem allowance and travel expenses provided for
30 state officers and employees generally.

31 6. To the extent of legislative appropriation, the Department
32 shall provide the Board with such staff as is necessary to carry out
33 the duties of the Board.

34 7. The Board shall, in accordance with the requirements of
35 paragraph (c) of subsection 3 of NRS 502.219, determine the
36 appropriate use of money received by a nonprofit organization from
37 the proceeds of a Dream Tag raffle.

38 **Sec. 12.** NRS 504.490 is hereby amended to read as follows:

39 504.490 1. Any person, not authorized to do so, who:

40 (a) Removes or attempts to remove a wild horse from the public
41 lands;

42 (b) Converts a wild horse to private use;

43 (c) Harasses a wild horse or, except as otherwise provided in
44 subsection 2, kills a wild horse;

45 (d) Uses an aircraft or a motor vehicle to hunt any wild horse;



1 (e) Pollutes or causes the pollution of a watering hole on public
2 land to trap, wound, kill or maim a wild horse;

3 (f) Makes or causes the remains of a wild horse to be made into
4 any commercial product; *or*

5 (g) Sells a wild horse which strays onto private property , ~~or~~
6 ~~—(h) Willfully violates a regulation adopted by the Commission~~
7 ~~for the Preservation of Wild Horses,]~~

8 ➔ is guilty of a gross misdemeanor.

9 2. A person who willfully and maliciously kills a wild horse is
10 guilty of a category C felony and shall be punished as provided in
11 NRS 193.130.

12 **Sec. 12.3.** Chapter 548 of NRS is hereby amended by adding
13 thereto a new section to read as follows:

14 *“Program” means the Conservation Districts Program in the*
15 *State Department of Conservation and Natural Resources.*

16 **Sec. 12.7.** NRS 548.015 is hereby amended to read as follows:
17 548.015 As used in this chapter, the following terms have the
18 meanings attributed to them in NRS 548.020 to 548.090, inclusive,
19 *and section 12.3 of this act*, unless the context otherwise requires.

20 **Sec. 13.** (Deleted by amendment.)

21 **Sec. 14.** (Deleted by amendment.)

22 **Sec. 14.5.** NRS 548.157 is hereby amended to read as follows:
23 548.157 The ~~[Division of Conservation Districts in the State~~
24 ~~Department of Conservation and Natural Resources]~~ *Program* shall
25 perform staff services for the Commission in carrying out its
26 responsibilities under this chapter.

27 **Sec. 15.** NRS 548.175 is hereby amended to read as follows:
28 548.175 The Commission has the following duties and powers:

29 1. To carry out the policies of this State in programs at the state
30 level for the conservation of the renewable natural resources of this
31 State and to represent the State in matters affecting such resources.

32 2. To offer such assistance as may be appropriate to the
33 supervisors of conservation districts in the carrying out of any of
34 their powers and programs, to propose programs and to assist and
35 guide districts in the preparation and carrying out of programs
36 authorized under this chapter, to review district programs, to
37 coordinate the programs of the districts and resolve any conflicts in
38 such programs, and to facilitate, promote, assist, harmonize,
39 coordinate and guide the programs and activities of districts as they
40 relate to other special-purpose districts, counties and other public
41 agencies.

42 3. To keep the supervisors of each of the districts informed of
43 the activities and experience of all other districts organized pursuant
44 to this chapter, and to facilitate an interchange of advice and



1 experience among those districts and promote cooperation among
2 them.

3 4. To secure the cooperation and assistance of the United
4 States, any of its agencies and of other agencies of this State in the
5 work of conservation districts.

6 5. To serve, along with conservation districts, as the official
7 state agency for cooperating with the Natural Resources
8 Conservation Service of the United States Department of
9 Agriculture in carrying on conservation operations within the
10 boundaries of conservation districts as created under this chapter.

11 6. To enlist the cooperation and collaboration of state, federal,
12 interstate, local, public and private agencies with the conservation
13 districts and to facilitate arrangements under which the conservation
14 districts may serve county governing bodies and other agencies as
15 their local operating agencies in the administration of any activity
16 concerned with the conservation and use of renewable natural
17 resources.

18 7. To make available, with the assistance of the ~~[Division,]~~
19 *Program*, information concerning the needs and the work of the
20 districts and the Commission to the Director of the State Department
21 of Conservation and Natural Resources, the Legislature, executive
22 agencies and political subdivisions of this State, cooperating federal
23 agencies and the general public.

24 8. To cooperate with and give such assistance as may be
25 requested by cities, counties, irrigation districts, and other special-
26 purpose districts in the State of Nevada for the purpose of
27 cooperating with the United States through the Secretary of
28 Agriculture in the furtherance of conservation, pursuant to the
29 provisions of the Watershed Protection and Flood Prevention Act,
30 16 U.S.C. §§ 1001 et seq., and the requirements of other special
31 programs of the United States Department of Agriculture.

32 9. Pursuant to procedures developed mutually by the
33 Commission and federal, state and local agencies that are authorized
34 to plan or administer activities significantly affecting the
35 conservation and use of renewable natural resources, to receive from
36 those agencies, for review and comment, suitable descriptions of
37 their plans, programs and activities for purposes of coordination
38 with the conservation districts' programs and to arrange for and
39 participate in conferences necessary to avoid conflict among the
40 plans and programs, to call attention to omissions and to avoid
41 duplication of effort.

42 10. To submit, with the assistance of the ~~[Division,]~~ *Program*,
43 a report to the Director of the State Department of Conservation and
44 Natural Resources whenever the Commission determines that there
45 exists a substantial conflict between the program of a district and the



1 proposed plans or activities directly affecting the conservation of
2 natural resources prepared by any other local governmental unit or
3 agency of this State.

4 11. By administrative order of the Commission, upon the
5 written request of the board of supervisors of the conservation
6 district or districts involved, with a showing that the request has
7 been approved by a majority vote of the members of each of the
8 boards involved:

9 (a) To transfer lands from one district established under the
10 provisions of this chapter to another.

11 (b) To divide a single district into two or more districts, each of
12 which must, thereafter, operate as a separate district under the
13 provisions of this chapter.

14 (c) To consolidate two or more districts established under the
15 provisions of this chapter into a single district under the provisions
16 of this chapter.

17 (d) To inform the ~~[Administrative Officer of the Division]~~
18 *Program* of any action taken pursuant to this subsection for ~~[his or~~
19 ~~her]~~ *its* approval of any new name and the appropriate entry in the
20 ~~[Administrative Officer's]~~ *Program's* records of the changes made.

21 12. To authorize the change of name of any district, upon
22 receipt by the Commission of a resolution by the board of
23 supervisors of the district for such a change and to present the
24 resolution to the ~~[Administrative Officer of the Division]~~ *Program*
25 for processing and recording in accordance with the provisions of
26 NRS 548.240.

27 13. To apply for any available grants and to accept and use any
28 grants, gifts or donations to make available grants of money to
29 qualified conservation districts to aid the districts in carrying out the
30 provisions of this chapter.

31 **Sec. 16.** NRS 548.185 is hereby amended to read as follows:

32 548.185 1. Any 10 occupiers of land lying within the limits
33 of the territory proposed to be organized into a district may file a
34 petition with the ~~[State Conservation]~~ Commission asking that a
35 conservation district be organized to function in the territory
36 described in the petition.

37 2. The petition shall set forth:

38 (a) The proposed name of the district.

39 (b) That there is need, in the interest of public health, safety and
40 welfare, for a conservation district to function in the territory
41 described in the petition.

42 (c) A description of the territory proposed to be organized as a
43 district, which shall consist of one or more townships created
44 pursuant to chapter 257 of NRS.



1 (d) A request that a referendum be held within the territory so
2 defined on the question of the creation of a conservation district in
3 such territory, and that the Commission determine that such a
4 district be created.

5 3. Where more than one petition is filed covering parts of the
6 same territory, the ~~{State—Conservation}~~ Commission may
7 consolidate all or any such petitions.

8 **Sec. 17.** NRS 548.190 is hereby amended to read as follows:

9 548.190 1. Within 30 days after such a petition has been filed
10 with the ~~{State Conservation}~~ Commission, it shall cause due notice
11 to be given of a proposed hearing upon:

12 (a) The question of the desirability and necessity, in the interest
13 of the public health, safety and welfare, of the creation of such
14 district.

15 (b) The question of the appropriate boundaries to be assigned to
16 such district.

17 (c) The propriety of the petition and other proceedings taken
18 under this chapter.

19 (d) All questions relevant to such inquiries.

20 2. All occupiers of land within the limits of the territory
21 described in the petition, and of lands within any territory
22 considered for addition to such described territory, and all other
23 interested persons, shall have the right to attend such hearings and to
24 be heard.

25 3. If it shall appear upon the hearing that it may be desirable to
26 include, within the proposed district, territory outside of the area
27 within which due notice of the hearing has been given, the hearing
28 shall be adjourned and due notice of further hearing shall be given
29 throughout the entire area considered for inclusion in the district,
30 and such further hearing shall be held.

31 **Sec. 18.** NRS 548.195 is hereby amended to read as follows:

32 548.195 1. After such hearing, if the Commission
33 determines, upon the facts presented at such hearing and upon such
34 other relevant facts and information as may be available, that there
35 is need, in the interest of the public health, safety and welfare, for a
36 conservation district to function in the territory considered at the
37 hearing, the Commission shall make and record such determination,
38 and shall determine the township or townships to be included in the
39 district.

40 2. In making such determination, the Commission shall give
41 due weight and consideration to:

42 (a) The topography of the area considered and of the State.

43 (b) The composition of soils therein.

44 (c) The distribution of erosion.

45 (d) The prevailing land use practices.



1 (e) The desirability and necessity of including within the
2 boundaries the particular lands under consideration and the benefits
3 such lands may receive from being included within such boundaries.

4 (f) The relation of the proposed area to existing watersheds and
5 agricultural regions, and to other conservation districts already
6 organized or proposed for organization under the provisions of this
7 chapter.

8 (g) Such other physical, geographical and economic factors as
9 are relevant, having due regard to the legislative determinations set
10 forth in NRS 548.095 to 548.110, inclusive.

11 3. After consideration of the petition and of any other evidence
12 of interest in the organization of a district, and of the relevant factors
13 regarding the need for a district to function in the territory being
14 considered, the ~~[State Conservation]~~ Commission may make the
15 determination of such need without holding a hearing.

16 **Sec. 19.** NRS 548.220 is hereby amended to read as follows:

17 548.220 After 6 months shall have expired from the date of
18 entry of a determination by the ~~[State Conservation]~~ Commission
19 that operation of a proposed district is not administratively
20 practicable and feasible, and denial of a petition pursuant to such
21 determination, subsequent petitions may be filed and action taken
22 thereon in accordance with the provisions of this chapter.

23 **Sec. 20.** NRS 548.235 is hereby amended to read as follows:

24 548.235 1. The five appointed supervisors shall present to the
25 ~~[Administrative Officer of the Division]~~ *Program* an application
26 signed by them, which states:

27 (a) That a petition for the creation of the district was filed with
28 the Commission pursuant to the provisions of this chapter, and that
29 the proceedings specified in this chapter were taken pursuant to that
30 petition.

31 (b) That the application is being filed in order to complete the
32 organization of the district as a governmental subdivision and a
33 public body, corporate and politic, under this chapter.

34 (c) That the Commission has appointed them as supervisors.

35 (d) The name and official residence of each of the supervisors,
36 together with a certified copy of the appointments evidencing their
37 right to office.

38 (e) The term of office of each of the supervisors.

39 (f) The name which is proposed for the district.

40 (g) The location of the principal office of the supervisors of the
41 district.

42 2. The application must be subscribed and sworn to by each of
43 the supervisors before a person authorized to take and certify oaths,
44 who shall certify upon the application that the person personally
45 knows the supervisors and knows them to be the officers as affirmed



1 in the application, and that each has subscribed thereto in the
2 officer's presence.

3 3. The application must be accompanied by a statement by the
4 Commission:

5 (a) That a petition was filed, notice issued and hearing held as
6 required by this chapter.

7 (b) That the Commission did determine that there is need, in the
8 interest of the public health, safety and welfare, for a conservation
9 district to function in the proposed territory and did define the
10 township or townships to be included.

11 (c) That notice was given and a referendum held on the question
12 of the creation of such a district, and that a majority of the votes cast
13 in such referendum were in favor of the creation of the district.

14 (d) That thereafter the Commission did determine that the
15 operation of the proposed district is administratively practicable and
16 feasible.

17 4. The statement must set forth the township or townships to be
18 included.

19 **Sec. 21.** NRS 548.240 is hereby amended to read as follows:

20 548.240 1. The ~~[Administrative Officer of the Division]~~
21 *Program* shall examine the application and statement, and if the
22 ~~[Administrative Officer]~~ *Program* finds that the name proposed for
23 the district is not identical with that of any other conservation
24 district of this State or so nearly similar as to lead to confusion or
25 uncertainty, the ~~[Administrative Officer]~~ *Program* shall record them
26 in an appropriate book of record . ~~[in his or her office.]~~

27 2. If the ~~[Administrative Officer of the Division]~~ *Program*
28 finds that the name proposed for the district is identical with that of
29 any other conservation district of this State, or so nearly similar as to
30 lead to confusion and uncertainty, the ~~[Administrative Officer]~~
31 *Program* shall notify the Commission. The Commission shall
32 thereupon submit a new name for the district. Upon receipt of a new
33 name, free of such defects, the ~~[Administrative Officer]~~ *Program*
34 shall record the application and statement, with the name so
35 modified, in an appropriate book of record . ~~[in his or her office.]~~

36 3. When the application and statement have been recorded, the
37 district becomes a governmental subdivision of this State and a
38 public body corporate and politic.

39 4. The ~~[Administrative Officer of the Division]~~ *Program* shall
40 make and issue to the supervisors a certificate, over ~~[his or her]~~ *the*
41 signature ~~[]~~ *of a member of the staff of the Program*, of the
42 organization of the district.

43 5. The boundaries of the district must include the territory
44 determined by the Commission, but must not include any area



1 included within the boundaries of another conservation district
2 organized under the provisions of this chapter.

3 **Sec. 22.** NRS 548.245 is hereby amended to read as follows:

4 548.245 1. In any suit, action or proceeding involving the
5 validity or enforcement of, or relating to, any contract, proceeding
6 or action of the district, the district shall be deemed to have been
7 established in accordance with the provisions of this chapter upon
8 proof of the issuance of the certificate by the ~~[Administrative~~
9 ~~Officer of the Division.] Program.~~

10 2. A copy of such a certificate issued by the ~~[Administrative~~
11 ~~Officer of the Division.] Program~~ is admissible in evidence in any
12 such suit, action or proceeding and is proof of the contents thereof.

13 **Sec. 23.** NRS 548.250 is hereby amended to read as follows:

14 548.250 1. Within 30 days after the date of issuance by the
15 ~~[Administrative Officer of the Division.] Program~~ of a certificate of
16 organization of a conservation district, nominating petitions may be
17 filed with the Commission to nominate candidates for supervisors at
18 large of the district.

19 2. The Commission may extend the time within which
20 nominating petitions may be filed.

21 3. No nominating petition may be accepted by the Commission
22 unless it is subscribed by three or more registered voters residing
23 within the district.

24 4. Registered voters of the district may sign more than one
25 nominating petition to nominate more than one candidate for
26 supervisor.

27 **Sec. 24.** NRS 548.285 is hereby amended to read as follows:

28 548.285 1. The county clerk of the county in which a
29 conservation district is situated, or the county clerk's designee, shall
30 conduct a biennial nonpartisan election for the replacement of any
31 supervisors whose terms are about to expire and shall pay all costs
32 of that election from county funds.

33 2. The election must be held either at a mass meeting of
34 electors, held in a centrally located public meeting place within the
35 district, or as part of the general election.

36 3. If a mass meeting is held for the election, it must be held on
37 one of the first 10 days of November in each even-numbered year.

38 4. If the election is held at a mass meeting:

39 (a) The chair of the district supervisors shall preside at this
40 meeting and the secretary of the district shall keep a record of
41 transactions at the meeting.

42 (b) Nominations of candidates must be made verbally from the
43 floor.



1 (c) Voting must be by secret ballot. The chair of the district
2 supervisors shall appoint three electors present to act, without pay,
3 as judges and tellers to count the votes at the conclusion of voting.

4 5. If the election is held as part of the general election:

5 (a) Candidates are bound by the election laws governing county
6 elections.

7 (b) Ballots must be provided bearing the names of candidates in
8 alphabetical order by surnames with a square before each name and
9 a direction to insert an X mark in the square before the name or
10 names of the voter's choice.

11 (c) At the close of polling, the sealed ballot boxes must be
12 delivered unopened to the county clerk or the county clerk's
13 designee, who shall appoint three electors to act, without pay, as
14 judges and tellers to open the boxes and count the votes.

15 6. The result of the election must be certified to the
16 Commission and to the ~~[Administrative Officer of the Division]~~
17 *Program* by the county clerk or the county clerk's designee, within
18 1 week following the date of election.

19 7. If a conservation district embodies land lying in more than
20 one county, the county clerks of the respective counties shall confer
21 and delegate to the clerk of the county having the greatest number of
22 qualified electors of the conservation district the duty of carrying
23 out the provisions of this section and shall reimburse that county on
24 a pro rata basis for their respective counties' shares of the expenses
25 of conducting the election.

26 **Sec. 25.** NRS 548.295 is hereby amended to read as follows:

27 548.295 1. A vacancy in the office of supervisor of a district
28 must be filled for the unexpired term as soon as practicable after the
29 office becomes vacant, by appointment by the remaining supervisors
30 of the district.

31 2. The chair of the governing body of a district shall certify all
32 such appointments immediately to the Commission and to the
33 ~~[Administrative Officer of the Division.]~~ *Program*.

34 **Sec. 26.** (Deleted by amendment.)

35 **Sec. 27.** NRS 548.515 is hereby amended to read as follows:

36 548.515 1. Petitions for including additional territory within
37 an existing district shall be filed with the ~~[State-Conservation]~~
38 Commission.

39 2. The proceedings provided for in this chapter in the case of
40 petitions to organize a district shall be observed in the case
41 of petitions for inclusion, except that the application for a certificate
42 of inclusion shall be signed by the chair and the secretary of the
43 governing body of the district into which the additional territory is
44 to be included.



1 3. The ~~State Conservation~~ Commission shall prescribe the
2 form for the petitions, which shall be, as nearly as practicable, in the
3 form prescribed in this chapter for petitions to organize a district.

4 4. Where the total number of land occupiers in the area
5 proposed for inclusion shall be less than 25, the petition may be
6 filed when signed by a majority of the occupiers of such area, and in
7 such case no referendum need be held.

8 5. In referenda upon petitions for inclusion, all occupiers of
9 land lying within the proposed additional area shall be eligible to
10 vote.

11 6. The Commission shall determine whether or not such
12 inclusion shall be made.

13 **Sec. 28.** NRS 548.520 is hereby amended to read as follows:

14 548.520 1. Petitions to withdraw lands from a district may be
15 filed with the ~~State Conservation~~ Commission at any time.

16 2. The Commission shall prescribe the form of the petition,
17 which shall be, as nearly as practicable, in the form prescribed in
18 this chapter for petitions to organize a district.

19 3. Where the total number of land occupiers in the area
20 affected by a proposed withdrawal will be less than 25, the petition
21 may be filed when signed by a majority of the occupiers of such
22 area, and in such case no referendum need be held.

23 4. In referenda upon petitions for withdrawal, all occupiers of
24 land lying within the area affected by the proposed change in
25 boundary shall be eligible to vote.

26 5. The Commission shall determine whether or not such
27 withdrawal shall be made.

28 **Sec. 29.** NRS 548.525 is hereby amended to read as follows:

29 548.525 1. At any time after 5 years after the organization of
30 a district under the provisions of this chapter, any 10 occupiers of
31 land lying within the boundaries of such district may file a petition
32 with the ~~State Conservation~~ Commission praying that the
33 operations of the district be terminated and the existence of the
34 district be discontinued.

35 2. The Commission may conduct such public meetings and
36 public hearings upon such petition as may be necessary to assist it in
37 the consideration thereof.

38 3. The Commission shall determine, on the basis of
39 information presented in the petition or brought out in public
40 hearings and on the basis of the number of petitioners in relation to
41 the total number of occupiers of land lying within the district,
42 whether it can render a reasonable determination of approval or
43 denial of the petition without holding a referendum, or whether a
44 referendum shall be held.



1 **Sec. 30.** NRS 548.530 is hereby amended to read as follows:

2 548.530 1. Within 60 days after a petition for discontinuance
3 has been received by the ~~[state conservation commission,]~~
4 **Commission**, it shall give due notice of the holding of the
5 referendum if one is to be held.

6 2. The Commission shall supervise the referendum and issue
7 appropriate regulations governing the conduct thereof.

8 3. The question shall be submitted by ballots upon which the
9 words "For terminating the existence of the (name of the
10 conservation district to be here inserted)" and "Against terminating
11 the existence of the (name of the conservation district to
12 be here inserted)" shall be printed, with a square before each
13 proposition and a direction to insert an X mark in the square before
14 one or the other of the propositions, as the voter may favor or
15 oppose discontinuance of such district.

16 4. All persons determined by the county clerk or clerks to be
17 registered voters residing within the district are eligible to vote in
18 such referendum.

19 5. No informalities in the conduct of such referendum or in any
20 matters relating thereto invalidate the referendum or the result
21 thereof if notice thereof was given substantially as provided in this
22 chapter and the referendum was fairly conducted.

23 6. The Commission shall publish the result of the referendum.

24 **Sec. 31.** NRS 548.540 is hereby amended to read as follows:

25 548.540 The ~~[State Conservation]~~ Commission shall not
26 entertain petitions for the discontinuance of any district, nor conduct
27 referenda upon such petitions, nor make any determination pursuant
28 to such petitions in accordance with the provisions of this chapter,
29 more often than once in 5 years.

30 **Sec. 32.** NRS 548.545 is hereby amended to read as follows:

31 548.545 1. Upon receipt from the Commission of a
32 certification that the Commission has determined that the continued
33 operation of the district is not administratively practicable and
34 feasible, pursuant to the provisions of NRS 548.535, the supervisors
35 shall forthwith proceed to terminate the affairs of the district.

36 2. The supervisors shall dispose of all property belonging to
37 the district at public auction and shall pay over the proceeds of the
38 sale to the State Treasurer for deposit in the State Treasury.

39 3. The supervisors shall thereupon file an application with the
40 ~~[Administrative Officer of the Division]~~ **Program** for the
41 discontinuance of the district, and shall transmit with the application
42 the certificate of the Commission setting forth the determination of
43 the Commission that the continued operation of the district is not
44 administratively practicable and feasible. The application must
45 recite that the property of the district has been disposed of and the



1 proceeds paid over as provided in this section, and must set forth a
2 full accounting of those properties and proceeds of the sale.

3 4. The ~~[Administrative Officer of the Division]~~ **Program** shall
4 issue to the supervisors a certificate of dissolution and shall record
5 the certificate in an appropriate book of records . ~~[in his or her~~
6 ~~office.]~~

7 **Sec. 33.** NRS 548.550 is hereby amended to read as follows:

8 548.550 1. Upon the issuance of a certificate of dissolution
9 under the provisions of NRS 548.545, all ordinances and regulations
10 theretofore adopted and in force within such district shall be of no
11 further force and effect.

12 2. All contracts theretofore entered into, to which the district or
13 supervisors are parties, shall remain in force and effect for the
14 period provided in such contracts. The ~~[State Conservation]~~
15 Commission shall be substituted for the district or supervisors as a
16 party to such contracts. The Commission shall be entitled to all
17 benefits and shall be subject to all liabilities under such contracts
18 and shall have the same right and liability to perform, to require
19 performance, to sue and be sued thereon, and to modify or terminate
20 such contracts by mutual consent or otherwise, as the supervisors of
21 the district would have had.

22 3. Such dissolution shall not affect the lien of any judgment
23 entered under the provisions of NRS 548.455, nor the pendency of
24 any action instituted under the provisions of NRS 548.445 and
25 548.450, and the Commission shall succeed to all the rights
26 and obligations of the district or supervisors as to such liens and
27 actions.

28 **Sec. 34.** NRS 561.218 is hereby amended to read as follows:

29 561.218 1. The Director shall appoint a person to manage the
30 activities of the Department relating to natural resources, land use
31 planning and the management and control of wild horses, estrays
32 and feral livestock. The person must be appointed on the basis of
33 merit and is in the unclassified service of the State. The Director
34 may remove the person from office with the approval of the Board.

35 2. The person appointed shall:

36 (a) Establish and carry out a policy for the management and
37 control of estrays and the preservation and allocation of natural
38 resources necessary to advance and protect the livestock and
39 agricultural industries in this State.

40 (b) Develop cooperative agreements and working relationships
41 with federal and state agencies and local governments for land use
42 planning and the preservation and allocation of natural resources
43 necessary to advance and protect the livestock and agricultural
44 industries in this State.



1 (c) Cooperate with private organizations and governmental
2 agencies to develop procedures and policies for the management and
3 control of wild horses.

4 (d) Monitor gatherings of estrays and feral livestock conducted
5 pursuant to the provisions of NRS 569.040 to 569.130, inclusive,
6 and assist district brand inspectors in identifying estrays before they
7 are sold or given a placement or other disposition through a
8 cooperative agreement established pursuant to NRS 569.031.

9 (e) Provide the members of the general public with information
10 relating to the activities of the Department and solicit
11 recommendations from the members of the general public and
12 advisory groups concerning those activities.

13 (f) Make assessments of the level of competition between
14 livestock and wildlife for food and water, collect data concerning
15 the movement of livestock and perform activities necessary to
16 control noxious weeds.

17 (g) Participate in land use planning relating to the competition
18 for food and water between livestock and wildlife to ensure the
19 maintenance of the habitat of both livestock and wildlife.

20 (h) Present testimony, conduct research and prepare reports for
21 the Governor, the Legislature, the Director and any other person or
22 governmental entity as directed by the Director.

23 (i) Develop and carry out a program to educate the members of
24 the general public concerning the programs administered by the
25 Department, including programs for the management and control of
26 estrays and feral livestock.

27 (j) Make proposals to the Director for the amendment of the
28 regulations adopted by the Board pursuant to NRS 561.105.

29 (k) Perform such other duties as directed by the Director.

30 3. As used in this section:

31 (a) "Estray" has the meaning ascribed to it in NRS 569.0075.

32 (b) "Feral livestock" has the meaning ascribed to it in
33 NRS 569.008.

34 (c) "Wild horse" ~~[has the meaning ascribed to it in NRS~~
35 ~~504.430.]~~ *means a horse, mare or colt which is unbranded and*
36 *unclaimed and lives on public land.*

37 **Sec. 35.** NRS 232.085, 232.125, 504.430, 504.440, 504.450,
38 504.460, 504.470, 504.480, 504.485 and 548.035 are hereby
39 repealed.

40 **Sec. 36.** The member of the Advisory Board on Dream Tags
41 appointed by the Advisory Board on Natural Resources shall
42 continue to serve on the Advisory Board on Dream Tags for the
43 duration of his or her term unless removed before that date in the
44 manner authorized by law.

45 **Sec. 37.** (Deleted by amendment.)



1 **Sec. 38.** As soon as is practicable after July 1, 2011, at the
2 time the Heil Trust Fund for Wild Horses established pursuant to
3 NRS 504.450 is abolished, the State Treasurer shall ensure that any
4 money remaining in the Heil Trust Fund for Wild Horses is
5 transferred to the State General Fund.

6 **Sec. 39.** The Legislative Counsel shall, in preparing:

7 1. The reprint and supplements to the Nevada Revised Statutes,
8 with respect to any section which is not amended by this act or is
9 adopted or amended by another act, appropriately change any
10 reference to an officer or agency whose name is changed or whose
11 responsibilities have been transferred pursuant to the provisions of
12 this act to refer to the appropriate officer of agency. If any internal
13 reference is made to a section repealed by this act, the Legislative
14 Counsel shall delete the reference and replace it by reference to the
15 superseding section, if any.

16 2. Supplements to the Nevada Administrative Code,
17 appropriately change any reference to an officer or agency whose
18 name is changed or whose responsibilities have been transferred
19 pursuant to the provisions of this act to refer to the appropriate
20 officer of agency. If any internal reference is made to a section
21 repealed by this act, the Legislative Counsel shall delete the
22 reference and replace it by reference to the superseding section, if
23 any.

24 **Sec. 40.** This act becomes effective on July 1, 2011.

LEADLINES OF REPEALED SECTIONS

232.085 Advisory Board on Natural Resources: Creation; qualifications of members; meetings; compensation; officers; duties.

232.125 Division of Conservation Districts: Administrative Officer; powers and duties.

504.430 Definitions.

504.440 Commission for Preservation of Wild Horses: Creation; membership; terms and compensation of members; meetings.

504.450 Heil Trust Fund for Wild Horses.

504.460 Appointment and duties of Administrator of Commission; prerequisites to filing of certain protests or appeals on behalf of Commission; review by Commission.

504.470 Powers and duties of Commission.

504.480 Agreements with Federal Government.



**504.485 Wildlife agencies required to confer with
Commission regarding consultations with Secretary of Interior.
548.035 "Division" defined.**

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